

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELTON A. SPEARS, JR. and
SIDNEY SCHOLL, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

FIRST AMERICAN EAPPRAISEIT
(a/k/a eAppraiseIT, LLC),
a Delaware limited liability company,

Defendant.

Case No. 5-08-CV-00868-RMW

ORDER ON SEALING MOTIONS

[Re Docket Nos. 385, 389, 390, 402, 406,
409, 410, 416]

Before the court are 8 administrative motions to seal various documents. The primary basis for these sealing requests is that a non-submitting party or a non-party designated the material as confidential. Pursuant to Civil Local Rule 79-5(d), a party must submit a declaration “establishing that the document sought to be filed under seal, or portions thereof, are sealable. Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Under Civil Local Rule 79-5(e)(1), “[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” No such declarations have been filed in this case. This

1 applies to non-parties as well, and the Local Rule requires service to the non-party of the motion to
2 seal "on the same day it is filed and a proof of such service must also be filed." *Id.*

3 Therefore, in this case, **for material designated confidential by a party**, that party must
4 file a declaration establishing that all of the designated material is sealable by September 16, 2014.
5 **For any material designated confidential by a non-party**, the submitting party must serve (or re-
6 serve, as the case may be), their declaration in support of the motion to seal, the materials requested
7 to be sealed, and a copy of this order on the designating party, and file the proof of such service by
8 September 11, 2014. The designating non-party must file any declaration establishing that all of the
9 designated material is sealable by September 18, 2014.

10 If no declarations in support of sealing are filed, the court may deny the sealing motions in
11 their entirety. Most of the material designated confidential by a submitting party, as allegedly
12 containing confidential business or personal information, is cited in the expert reports and other
13 materials. Additionally, the current sealing requests are overbroad and do not comply with Local
14 Rule 79-5(b) which requires the request to be **narrowly tailored**. For example, a request to seal an
15 entire expert report that includes background information on a regulatory scheme is not narrowly
16 tailored.

17 SO ORDERED.

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20 Dated: September 10, 2014


Ronald M. Whyte
United States District Judge